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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

AT&T SERVICES, INC. and AT&T CORP.

Complainants,

v.

Proceeding No. 19-222
File No. EB-19-MD-007

123.Net (d/b/a Local Exchange Carriers of
Michigan, Inc. And/or Prime Circuits)

Defendant.

123.NET’S (d/b/a LEC-MI) FIRST REQUEST FOR INTERROGATORIES TO AT&T

Pursuant to 47 C.F.R. § 1.730(a), Defendant 123.Net (d/b/a Local Exchange Carrier of Michigan, Inc. and/or Prime Circuits) (“LEC-MI”) hereby submits to the Federal Communications Commission, and concurrently serves on the Complainants, AT&T Services, Inc. and AT&T, Corp. (collectively “AT&T” or the “Complainants”), its First Request for Interrogatories (“Interrogatories”). AT&T shall respond to these Interrogatories in writing, under oath, and in accordance with the Staff’s directions on timing, the Commission’s rules, and the Definitions and Instructions set forth herein:

DEFINITIONS

1. All terms herein shall be construed in an ordinary, common sense manner, and not in a hyper-technical, strained, overly-literal, or otherwise restrictive manner, however, acronyms and other terms of art in the telecommunications industry shall have the meaning typically ascribed to them by the industry.

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2. “Any” means each, every, and all persons, places, or things to which the term refers.

3. “Communication” means any transfer of information, whether written, printed, electronic, oral, pictorial, or otherwise transmitted by any means or manner whatsoever.

4. “Concerning” means relating to, involving, reflecting, identifying, stating, referring to, evidencing, constituting, analyzing, underlying, commenting upon, mentioning, or connected with, in any way, the subject matter of the request.

5. “Copy” means any reproduction, in whole or in part, of an original document and includes, but is not limited to, non-identical copies made from copies.

6. “Describe” and “description” means to set forth fully, in detail, and unambiguously each and every fact of which you have knowledge related to answering the interrogatory.

7. “Document” means any written, drawn, recorded, transcribed, filed, or graphic matter, including scientific or researchers’ notebooks, raw data, calculations, information stored in computers, computer programs, surveys, tests and their results, however produced or reproduced. With respect to any document that is not exactly identical to another document for any reason, including but not limited to marginal notations, deletions, or redrafts, or rewrites, separate documents should be provided.

8. “Identify,” “identity,” or “identification,” when used in relation to “person” or “persons,” means to state the full name and present or last known address of such person or persons and, if a natural person, his or her present or last known job title, the name and address of his or her present or last known employer, and the nature of the relationship or association of such person to you.

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9. “Identify,” “identity,” or “identification,” when used in relation to “document” or “documents,” means to state the date, subject matter, name(s) of person(s) that wrote, signed, initialed, dictated, or otherwise participated in the creation of the same, the name(s) of the addressee(s) (if any), and the name(s) and address(es) (if any) of each person or persons who have possession, custody, or control of said document or documents.

10. “Identify” when used in relation to a “communication” means to identify the participants in each communication and, if such communication is not contained in a document, the date, place, and content of such communication.

11. “Including” means including but not limited to.

12. “Original” means the first archetypal document produced, that is, the document itself, not a copy.

13. “Person” or “persons” means any natural person or persons, group of natural persons acting as individuals, group of natural persons acting as a group (e.g., as a board of directors, a committee, etc.), or any firm, corporate entity, partnership, association, joint venture, business, enterprise, cooperative, municipality, commission, or governmental body or agency.

14. “Relevant Period” means January 1, 2009 to April 1, 2014, unless otherwise specified.

15. “You,” “your,” or “AT&T” means AT&T Services, Inc. and/or AT&T, Corp.; any of its parent, affiliated, or subsidiary companies; and employees, officers, directors, agents, representatives, and all other persons or entities acting or purporting to act on their behalf, including without limitation any outside consultant or witness retained by them. In that regard, each and every interrogatory contained herein is directed at you.

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INSTRUCTIONS

When responding to the following interrogatories, please comply with the instructions below:

1. Each interrogatory is continuing in nature and requires supplemental responses as soon as new, different, or further information is obtained that is related to answering the interrogatory.

2. Provide all information, including all documents, related to answering the interrogatory that are in your possession, custody, or control, regardless of whether such documents are possessed directly by you or by your employees, officers, directors, agents, representatives, or any other person or entity acting or purporting to act on their behalf.

3. In any interrogatory, the present tense shall be read to include the past tense, and the past tense shall be read to include the present tense.

4. In any interrogatory, the singular shall be read to include the plural, and the plural shall be read to include the singular.

5. In any interrogatory, the use of the conjunctive shall be read to include the disjunctive, and the use of the disjunctive shall be read to include the conjunctive.

6. Any document withheld from production on the grounds of a privilege is to be specifically identified by author(s), addressee(s), length, and date, with a brief description of the subject matter or nature of the document, and a statement of the privilege asserted.

7. If you contend that any part of your response to a particular Interrogatory contains trade secrets or other proprietary or confidential business or personal information, such contention shall not provide a basis for refusing to respond within the time required by the

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applicable rules. You shall respond according to and under the terms of Section 1.731 of the Commission's Rules, 47 C.F.R. § 1.731.

8. Please begin the response to each request on a separate page.
9. Please restate each interrogatory before providing the response or objection.
10. Please specify the interrogatory in response to which any document, narrative response, or objection is provided. If a document, narrative response, or objection relates to more than one request, please cross reference.
11. For each separate interrogatory, identify the person(s) under whose supervision the response was prepared.
12. For any interrogatory consisting of separate subparts or portions, a complete response is required to each subpart as if the subpart or portion were propounded separately.
13. Produce any documents in the form of legible, complete, and true copies of the original documents as "original" is defined herein.
14. Please provide all documents in their native format, together with all metadata.
15. If you assert that documents or information related to answering an interrogatory are unavailable or have been discarded or destroyed, state when and explain in detail why any such document or information was unavailable, discarded, or destroyed, and identify the person directing the discarding or destruction. If a claim is made that the discarding or destruction occurred pursuant to a discarding or destruction program, identify and produce the criteria, policy, or procedures under which such program was undertaken.
16. If any interrogatory cannot be answered in full after reasonable inquiry, provide the response to the extent available, state why the interrogatory cannot be answered in full, and

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provide any information within your knowledge concerning the description, existence, availability, and custody of any unanswered portions.

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INTERROGATORIES

INTERROGATORY 1. Identify all charges and other details reflected on (or produce a complete set of) Westphalia Telephone Company's ("Westphalia") invoices to You during the Relevant Period.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

This information is not available to LEC-MI through a source other than AT&T. It is known by AT&T and not the type of information that is typically made available publicly. LEC-MI has been given limited information regarding the invoices from the Relevant Period to the underlying dispute between AT&T, Westphalia and GLC, but this information should be supplemented to show the scope of AT&T's knowledge of any erroneous billing that occurred during that period and AT&T's actions and considerations thereon.

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INTERROGATORY 2. Identify and produce all documents identifying the amount You paid, disputed, and/or withheld in connection with the invoices from Westphalia (or its agent or affiliate) to You during the Relevant Period.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

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INTERROGATORY 3. Identify all bases and produce all documents on which You based the re-rating and/or disputing of local end office switching, 8YY or 800 Database Query Charges included in Westphalia's invoices to you during the Relevant Period.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

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INTERROGATORY 4. Identify all credits and refunds You received from Westphalia, GLC, or any other source toward amounts that Westphalia invoiced You during between January 2009 and present.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

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INTERROGATORY 5. Identify all of your personnel with knowledge of Westphalia's access charge invoices from the Relevant Period relating to the charges in dispute in this proceeding, and identify and describe in detail each of Your analyses of the charges in those invoices.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

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INTERROGATORY 6. Identify the methodology that produced the results of your comparison of AT&T's own call detail records ("CDRs") with invoices You received from GLC or Westphalia relating to the traffic at issue, and identify and produce all documents reflecting those analyses and upon which such analyses were based.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

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INTERROGATORY 7. Identify all analyses you conducted to ascertain the extent to which growth in access minutes billed by Westphalia for traffic relating to LEC-MI in 2009, 2010, 2011, and 2012 relate to (1) originating minutes, (2) terminating minutes, or (3) growth in 8YY traffic, and identify and produce any documents reflecting or relating to your analyses.

Explanation: The information sought in this interrogatory bears on AT&T's claim for damages and LEC-MI's defense that AT&T had constructive or actual knowledge of Westphalia or Great Lakes Comnet's ("GLC") erroneous billing practices for which AT&T claims LEC-MI is vicariously liable.

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DATED: September 25, 2019

Respectfully submitted,

123.NET d/b/a LOCAL EXCHANGE
CARRIERS OF MICHIGAN, INC.

By Its Attorneys,

/s/ Joseph P. Bowser

Joseph P. Bowser

Gregory M. Caffas

Roth Jackson Gibbons Condlin, PLC

1519 Summit Ave., Suite 102

Richmond, VA 23219

COUNSEL FOR 123.NET, INC. d/b/a
LOCAL EXCHANGE CARRIERS OF
MICHIGAN, INC.